

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:

) **Case No.: 3552**
)

ALOK SINHA, D.O.

Holder of License No. **3347**

) **FINDINGS OF FACT, INTERIM**
) **CONCLUSIONS OF LAW, AND**
) **ORDER OF SUMMARY SUSPENSION**
)

For the practice of osteopathic medicine in the
State of Arizona

The Arizona State Board of Osteopathic Examiners ("Board") held a public meeting on July 15, 2005 regarding Alok Sinha, D.O. ("Respondent"). Respondent was present for the meeting and appeared without counsel; however, the Board received verbal confirmation that he was represent by Robert Bohm, Esquire. Following the Board's review of information obtained pursuant to A.R.S. §§ 32-1855 and 32-1855.01, and having considered the information given in the matter and being fully advised, the Board enters the following Findings of Fact, Interim Conclusions of Law, and Order of Summary Suspension, pending an Administrative Hearing.

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the licensing and practice of osteopathic medicine in Arizona.

2. The Board has the authority to summarily suspend an osteopathic license pursuant to A.R.S. §§ 32-1855 (C), 41-1064 (C) and 41-1092.11 (B) when the physician may not safely engage in the practice of medicine and is an immediate threat to the public's health, welfare and safety.

3. Respondent holds license No. 3347 to practice osteopathic medicine in Arizona.

FINDINGS OF FACT

4. On July 5, 2005, Board staff received information from the City of Phoenix Police

1 Department that Respondent had been arrested and booked on June 30, 2005. The charges
2 include Class 3 and 4 Felonies for attempting and obtaining dangerous drugs by fraud.
3 prescription fraud.

4 5. Subsequent investigation revealed that Dr. Sinha admitted the criminal violations
5 and his dependence on the medications.

6 6. On July 13, 2005, the Board ordered Dr. Sinha to submit to an observed
7 biological fluid test. Dr. Sinha complied with this Order the same day. The preliminary results
8 were positive for both "Alcohol" and "Benzodiazepines."

9 7. On July 15, 2005 Dr, Sinha admitted to the Board that he had been taking
10 medications that were self prescribed and obtained in violation of statutes.

11 8. On July 15, 2005, during the public meeting portion of teleconference, the Board
12 voted to summarily suspend Dr. Sinha's license because they felt that the underlying facts and
13 circumstances of his criminal arrest and self-admitted addiction present a clear and present
14 danger to the public's health safety and welfare.

15 9. The Board also voted to have Dr. Sinha evaluated. Dr, Sinha stated that he had
16 already made an appointment with an addiction specialist recommended by legal representative.

17 **INTERIM CONCLUSIONS OF LAW**

18 1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic
19 Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

20 2. The conduct and circumstances described in paragraphs 4 through 7 above
21 constitute unprofessional conduct as defined in the following paragraphs of A.R.S. § 32-1854:

22 (3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic
23 drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully
24 practice medicine.

1 (5) Prescribing, dispensing or administering controlled substances or prescription
2 only drugs for other than accepted therapeutic purposes.

3 (6) Engaging in the practice of medicine in a manner that harms or may harm a
4 patient or that the Board determines falls below the community standard.

5 (15) Knowingly making any false or fraudulent statement, written or oral, in
6 connection with the practice of medicine or when applying for or renewing privileges at a health
7 care institution or a health care program.

8 (22) Using controlled substances or prescription-only drugs unless they are provided
9 by a medical practitioner, as defined in section 32-1901, as part of a lawful course of treatment.

10 (35) Violating a federal law, a state law or a rule applicable to the practice of
11 medicine. (A.R.S. § 32-3208- failure to report a criminal charge)

12 (38) Any conduct or practice that endangers a patient's or the public's health or may
13 reasonably be expected to do so.

14 **ORDER OF SUMMARY SUSPENSION**

15 NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

16 Pursuant to A.R.S. §§ 32-1855 (C) and 41-1064 (C), License No. 3489 held by ALOK
17 SINHA, D.O., to practice osteopathic medicine is SUMMARILY SUSPENDED in the State of
18 Arizona, effective July 15, 2005, pending further disciplinary proceedings or further Order of the
19 Board.

20 ISSUED THIS 18TH DAY OF JULY 2005.

21 STATE OF ARIZONA
22 BOARD OF OSTEOPATHIC EXAMINERS IN
23 MEDICINE AND SURGERY

24 *(Board Seal on File)*

25 *(Signature on File)*
By: _____
Jack Confer, Executive Director

1 Original "Findings of Fact, Interim
2 Conclusions of Law, and Order of
3 Summary Suspension" filed this 18th
4 day of July, 2005 with the:

5 Arizona Board of Osteopathic Examiners
6 In Medicine and Surgery
7 9535 East Doubletree Ranch Road
8 Scottsdale AZ 85258-5539

9 Copy of the foregoing "Findings of Fact,
10 Interim Conclusions of Law, and Order of
11 Summary Suspension" sent via certified,
12 return receipt requested this 18th
13 day of July, 2005 to:

14 Alok Sinha, D.O.
15 14435 South 48th Street, #2083
16 Phoenix, AZ 85044

17 Copies of the foregoing "Findings of Fact,
18 Interim Conclusions of Law, and Order of
19 Summary Suspension" sent via regular
20 mail this 18th day of July, 2005 to:

21 Blair Driggs, AAG
22 Office of the Attorney General CIV/LES
23 1275 West Washington
24 Phoenix AZ 85007

25 Robert Bohm, Esquire
2141 East Camelback, Suite 222
Phoenix, AZ 85016
